



1 3993 Howard Hughes Parkway, Suite 600  
 2 Las Vegas, NV 89169-5996  
 3 Facsimile (702) 949-8321  
 4 Telephone (702) 949-8320

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5 Rob Charles NV State Bar No. 006593  
 6 Email: rcharles@lrlaw.com  
 7 John Hinderaker AZ State Bar No. 018024  
 8 Email: jhinderaker@lrlaw.com  
 9 Attorneys for USACM Liquidating Trust

10 **UNITED STATES BANKRUPTCY COURT**  
 11 **DISTRICT OF NEVADA**

12 In re:

13 USA Commercial Mortgage Company,  
 14 USA CAPITAL REALTY ADVISORS,  
 15 LLC,<sup>1</sup>  
 16 USA CAPITAL DIVERSIFIED TRUST  
 17 DEED FUND, LLC,  
 18 USA CAPITAL FIRST TRUST DEED  
 19 FUND, LLC,<sup>2</sup>  
 20 USA SECURITIES, LLC,<sup>3</sup>

Debtors.

21 **Affects:**

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

21 Case No. BK-S-06-10725-LBR<sup>1</sup>  
 22 Case No. BK-S-06-10726-LBR<sup>1</sup>  
 23 Case No. BK-S-06-10727-LBR<sup>2</sup>  
 24 Case No. BK-S-06-10728-LBR<sup>2</sup>  
 25 Case No. BK-S-06-10729-LBR<sup>3</sup>

26 **CHAPTER 11**

Jointly Administered Under Case No.  
 27 BK-S-06-10725 LBR

28 **Notice of Hearing for USACM  
 29 Liquidating Trust's Motion to  
 30 Authorize First Interim Distribution to  
 31 Unsecured Creditors**

32 Date of Hearing: October 19, 2009

33 Time of Hearing: 3:00 p.m.

34 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust has filed a  
 35 Motion to Authorize First Interim Distribution to Unsecured Creditors (the "Motion"). In  
 36 summary, the USACM Trust seeks the Court's authorization to treat certain claims against  
 37 USA Commercial Mortgage Company ("USACM") as Allowed or Disallowed as set forth

38 <sup>1</sup> This bankruptcy case was closed on September 23, 2008.

39 <sup>2</sup> This bankruptcy case was closed on October 12, 2007.

40 <sup>3</sup> This bankruptcy case was closed on December 21, 2007.



1 on **Exhibit A** to the Motion, and to make an interim distribution of \$20 million to  
2 creditors while reserving some of this amount to cover future distributions to those claims  
3 that are currently unresolved.

4 Attached to the Motion as **Exhibit A** is a schedule that provides the following  
5 information about claim(s): (1) claim number; (2) claim amount; (3) allowed amount;  
6 (4) disallowed amount; and (5) unresolved amount. The version of **Exhibit A** attached to  
7 the Motion filed with the Court is over 230 pages and it covers all affected claims (there  
8 are over 4,000). You can view it online at <http://usacmcucc.bmcgroup.com/default.aspx> or  
9 you can request a copy. The USACM Trust has requested that the Court approve  
10 **Exhibit A** as an accurate statement regarding the status of all unsecured claims, including  
11 your claim(s). Attached to this Notice as **Exhibit A** is the excerpt from the schedule  
12 attached to the Motion as **Exhibit A** that relates to at least one of your claim(s). If the  
13 books and records of USACM show you had more than one claim, or if you filed more  
14 than one proof of claim, you may receive separate notices for different claims. Please  
15 review the attachment.

16 The Trust has filed additional objections to Claims that will be set for hearing by  
17 the Court on October 5 and 19, 2009. The Trust will update **Exhibit A** after those  
18 hearings.

19 If you have any questions regarding **Exhibit A** or the Motion, please contact  
20 Marilyn Schoenike, Certified Legal Assistant, Lewis and Roca LLP,  
21 e-mail [mschoeni@LRLaw.com](mailto:mschoeni@LRLaw.com), 602-262-5314; Brant Fylling, Sierra Consulting Group,  
22 e-mail [bffylling@sierracgllc.com](mailto:bffylling@sierracgllc.com), 602-424-7009; or undersigned counsel, John Hinderaker.  
23 Please do not contact the Court.

24 **NOTICE IS FURTHER GIVEN** that the hearing on the Motion will be held  
25 before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley  
26 Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on  
**October 19, 2009 at 3:00 p.m.** At the hearing, the Court may grant the Motion, thus



1 approving **Exhibit A** and authorizing the USACM Trust to make an interim distribution  
2 based upon it.

3 **NOTICE IS FURTHER GIVEN** pursuant to Local Rule 9014 that any response to  
4 the Motion must be filed by October 9, 2009, and a copy served on the person making the  
5 Motion. The opposition must state your position, set forth all relevant facts and legal  
6 authority, and be supported by affidavits or declarations that conform to Local Rule  
7 9014(c).

8 If you object to the relief requested, you *must* file a **WRITTEN** response to this  
9 pleading with the Court. You *must* also serve your written response on the person who  
10 sent you this notice.

11 If you do not file a written response with the Court, or if you do not serve your  
12 written response on the person who sent you this notice, then:

13 • The Court may *refuse to allow you to speak* at the scheduled hearing; and  
14 • The Court may *rule against you* without formally calling the matter at the  
15 hearing.

16 Dated: September 15, 2009.

17 **LEWIS AND ROCA LLP**

18 By /s/ John Hinderaker (AZ #18024)  
19 Rob Charles, NV 6593  
20 John C. Hinderaker, AZ 18024 (*pro hac vice*)  
21 3993 Howard Hughes Parkway, Suite 600  
22 Las Vegas, Nevada 89169  
23 Telephone: (702) 949-8320  
Facsimile: (702) 949-8321  
E-mail: RCharles@LRLaw.com  
E-mail: JHinderaker@lrlaw.com  
24 *Attorneys for the USACM Liquidating Trust*